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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Deanna Sue Montez,
10 Plaintiff,

11 v.

12 Maricopa County Estrella Jail, et al.,
13 Defendants.
14

No. CV-23-02317-PHX-SHD

ORDER

15 Pending before the Court is a Report and Recommendation (“R&R”) from the
16 Magistrate Judge recommending that the Second Amended Complaint be dismissed
17 without prejudice for Plaintiff’s failure to comply with the Court’s Orders and to prosecute
18 pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. (Doc. 1.5) On November
19 8, 2024, the Court ordered that Plaintiff return a completed service packet within 21 days.
20 (Doc. 12.) Plaintiff did not return the service packet as ordered. On April 16, 2025,
21 Plaintiff was ordered to either (1) return the completed service packet as previously
22 ordered, or (2) show cause why this case should not be dismissed for failure to prosecute
23 by April 30, 2025. (Doc. 14.) This Order was mailed to Plaintiff at her last known address
24 that same day and was not returned. Plaintiff did not return the service packet nor respond
25 to the order to show cause.

26 On May 8, 2025, the Magistrate Judge issued the pending R&R. (Doc. 15.) No
27 objections to the R&R have been filed and the deadline to file has expired. The R&R
28 advised Plaintiff:

The parties shall have 14 days from the date of service of a copy of this recommendation within which to file specific written objections with the Court. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6(a), 6(b) and 72. Thereafter, the parties have 14 days within which to file a response to the objections. Failure to timely file objections to the Magistrate Judge’s Report and Recommendation may result in the acceptance of the Report and Recommendation by the district court without further review. *See United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).


(Doc. 15 at 3.)

This Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). As the R&R indicated, it is “clear that the district judge must review the magistrate judge’s findings and recommendations de novo if objection is made, but not otherwise.” *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (*en banc*) (emphasis in original); *Schmidt v. Johnstone*, 263 F.Supp.2d 1219, 1226 (D. Ariz. 2003) (“*Following Reyna-Tapia*, this Court concludes that *de novo* review of factual and legal issues is required if objections are made, ‘but not otherwise.’”); *Klamath Siskiyou Wildlands Ctr. v. U.S. Bureau of Land Mgmt.*, 589 F.3d 1027, 1032 (9th Cir. 2009) (the district court “must review de novo the portions of the [Magistrate Judge’s] recommendations to which the parties object.”). District courts are not required to conduct “any review at all . . . of *any issue* that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (emphasis added); *see also* 28 U.S.C. § 636(b)(1) (“[T]he court shall make a *de novo* determination of those portions of the [report and recommendation] to which objection is made.”).

No objections having been received,

IT IS ORDERED that the R&R (Doc. 15) is accepted. The complaint is dismissed, without prejudice, and the Clerk of the Court shall enter judgment accordingly.

Dated this 25th day of June, 2025.



Honorable Sharad H. Desai
United States District Judge